

# United States Senate

WASHINGTON, DC 20510

June 6, 2011

The Honorable Ray LaHood  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary LaHood:

The last week has seen the needless deaths of six people and serious injuries sustained by passengers in separate motorcoach crashes in Virginia and Washington. While we appreciate the Federal Motor Carrier Safety Administration's (FMCSA) recent enhanced enforcement efforts to ensure safety compliance, these two crashes clearly indicate more is needed. We write today to urge that your Department accelerate efforts to promptly remove unsafe motorcoach carriers from our roads, ensure driver preparedness, and protect passenger safety.

Preliminary reports indicate that the recent Sky Express bus crash in Virginia was caused by two key factors: driver fatigue, and the Department of Transportation's (DOT) decision to give this clearly unsafe carrier a last minute reprieve from closure despite a pattern of safety failures and a determination that the carrier's safety record is unsatisfactory. In light of the four fatalities and numerous injuries caused by the crash, it is apparent that the pattern of enforcement by DOT has been uneven, inconsistent and ineffective. The FMCSA failed to enforce its statutory authority to place the carrier out of service. In that regard, as the DOT goes forward, we would like to know what steps will be taken to shorten the timeframe in which operators come into compliance with safety standards.

As indicated in DOT's *Motorcoach Safety Action Plan*, the Department has a clear understanding of the role driver fatigue plays in motorcoach crashes. As you know, data indicates that fatigue is the root cause of 37% of all accidents investigated by the National Transportation Safety Board. Since the announcement of the action plan, what fatigue-related research has been conducted? With driver fatigue playing a role in more than one-third of crashes, has the Department considered extending the minimum off-duty period for motorcoach drivers?

In recent years, we have been working diligently to improve motorcoach safety standards for the millions of passengers who use this affordable and convenient mode of transportation in our country. We appreciate the work DOT has undertaken to complement the *Motorcoach Enhanced Safety Act*, which the Senate Committee on Commerce, Science and Transportation recently passed unanimously. However, in 2011 there have already been at least ten motorcoach crashes resulting in more than 20 fatalities and over 130 injuries—including 15 deaths in a single tragic crash earlier this year in New York. These crashes indicate the urgency in addressing these critical safety deficiencies—improving occupant protection with currently available vehicle safety technology as well as upgrading driver and operator oversight and regulations.

The failure of a driver and company to operate safely does not need to result in occupant deaths and injuries. We appreciate your concern on these issues and look forward to your response.

Sincerely,



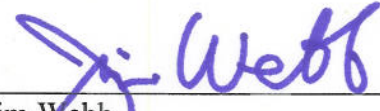
Sherrod Brown  
United States Senator



Mark Warner  
United States Senator



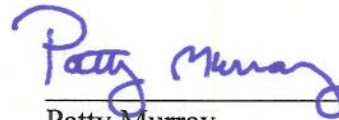
Kirsten Gillibrand  
United States Senator



Jim Webb  
United States Senator



Charles Schumer  
United States Senator



Patty Murray  
United States Senator